

REMARKS

Upon entry of this Amendment as response, claims 1-24, 26 and 27 remain in the application. Claim 25 has been cancelled by this action. Claims 1, 2, 4, 10, 19, 21, 24, and 27 have been amended by this action.

This amendment is responsive to the Office Action dated 11/14/2009. It is submitted that the issued and rejections raised in that communication have been considered and have been either addressed or traversed in this Amendment and Response. Entry of this amendment is sought under the provisions of 37 CFR 1.115. It is the Applicant's position that all objections and rejections are overcome. Reconsideration and allowance is sought.

Restriction requirement

The withdrawal of the restriction requirement is noted.

Allowed claims

Claims 4 and 22 are considered allowable if rewritten in independent form to include the base claim and all intervening claims. Claim 4 has been presented in independent form in the Amendment and Response. Claim 19 has been amended to include the limitations previously found in claim 22.

Drawing objections

The drawing objection is noted. Proposed substitute drawings are submitted with the Amendment and response pursuant to 37 CFR 1.121(d).

Claim rejection – Section 112, second paragraph

The rejection of claim 21 under the provisions of Section 112, second paragraph is noted. Claim 21 has been amended by this action to address this rejection. In view of this it is submitted that the applicant's invention as set forth in claim 21 now particularly points out and distinctly claims the subject matter the applicant regards as the application.

Rejection under 35 USC 102(b)

Claims 1, 9-11, 18, 24, 25, and 27 stand rejected as anticipated by Horner. Horner is directed to a device that employs a thermal transfer paste to carry thermal energy between the tracing lines and a main conduit.

Independent Claim 1, as now amended, is directed to a plurality of elongate fluid transfer profiles with support for this amendment being found variously as in originally field claim 2. It is submitted that Horner lacks teaching or suggestion of this feature. Furthermore the Horner reference lacks teaching or suggestion of a concave profile having a concave region defined therein. The steam trace line has a circular cross section.

Independent Claim 10, as amended is directed to a flexible cover configured to extend around a circumference that includes the cylindrical conduit and the elongate fluid transfer profile. The Horner reference lacks teaching or suggestion of such a cover member.

Independent claim 24 is directed to a method of regulating the temperature of the contents of a fluid carrying conduit in which a cover element is positioned around the outer periphery of a device that includes the conduit and at least one elongate fluid transfer profile having a concave surface configured to correspond to an outer periphery of the associated conduit. The Horner reference lacks a fluid transfer profile of such configuration and the use of an insulating cover member. Thus it is submitted that the Horner reference fails to teach or suggest the invention as set forth in claim 24.

Independent claim 27 is directed to a device that includes an elongate fluid transfer profile having an inner and outer wall surface in which the respective surfaces are essentially parallel and in which the elongate fluid transfer profile as a concave region defined therein. The Horner reference lacks any teaching or suggestion of these features and elements.

Claim 9 depends from claim 1. Claims 11 and 18 depend from claim 10 to contain all of the limitations contained therein. By this dependency, it is contended that the invention as set forth in claims 9, 11, and 18 is not taught, anticipated or rendered obvious by the Horner reference.

Rejection under 35 USC 103(a) – Horner v Boyer

Claims 16 and 17 are rejected under 35 USC 103(a) as being rendered obvious over Horner in view of Boyer. Claims 16 and 17 depend from independent claim 10 and are not taught, anticipated or rendered obvious by the cited references for the reasons presented in conjunction with that claim.

Rejection under 35 USC 103(a) – Horner v Collito

Claims 2, 7, 12 and 26 are rejected under 35 USC 103(a) as being rendered obvious over Horner in view of Collito. Claims 2 and 7 depend from claim 1 to contain all of the limitations found therein. Claim 12 depends from claim 27 and claim 24 depends from claim 26 respectively to contain the limitations of the respective base claims. It is submitted that the invention as set forth in these claims is not taught, anticipated or rendered obvious by the cited reference for the reasons set forth in the respective base claims.

Rejection under 35 USC 103(a) – Horner v Collito v Kissell

Claims 3, 5, 6, 19, 21 and 23 are rejected under 35 USC 103(a) as being rendered obvious over Horner in view of Collito in further view of Kissell.

Claim 19 is directed to a cover assembly for a fluid transfer conduit that includes a flexible fabric cover and a plurality of elongate hollow profiles mounted in said cover as well as means for connecting the hollow profiles to the flexible fabric cover. The cover is openable to a first substantially planar conformation, and closeable to a second substantially cylindrical conformation, and includes means for attaching to itself in said second conformation. The Examiner contends that the Horner reference teaches the means to secure the heating or cooling element to the conduit and that Kissell teaches the use of an insulating layer.

It is submitted that the cited reference fail to teach or suggest the cover element with profiles connected or mounted to the inwardly oriented face. Without being bound to any theory, it is submitted that the orientation of profiles with the flexible outer cover creates a

temperature controlled heat transfer environment that is not taught or suggested by the cited references, taken alone or in any permissible combination. The cover assembly set forth in claim 19 provides an assembly that can be prefabricated and installed or removed as desired or required. It is submitted that the cited references lack any teaching or suggestion of anything other than more permanent arrangements.

Claims 21 and 23 depend from claim 19 to contain all of the limitations found therein.

Claims 3, 5 and 6 depend from claim 1 to contain all of the limitations found in claim 1 and are not taught, anticipated or rendered obvious by the cited references for the reasons discussed in conjunction with claim 1.

Rejection under 35 USC 103(a) – Horner v Collito v Houschulz

Claims 13-15 are rejected under 35 USC 103(a) as being rendered obvious over Horner in view of Collito in further view of Hauschulz.

Claims 13-15 depend from claim 27 to contain all of the limitations found therein and are not taught, anticipated or rendered obvious by reason of this dependency.

Rejection under 35 USC 103(a) – Horner v Collito and Kissell

Claim 20 is rejected under 35 USC 103(a) as being rendered obvious over Horner in view of Collito and Kissell. Claim 20 depends from claim 19 to contain all of the limitations found therein and are not taught, anticipated or rendered obvious by reason of this dependency.

In view of the present amendment and the present arguments and analysis, it is submitted that the invention as set forth in claims 1-24, 26 and 27 is in a condition suitable for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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